

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

AGWERX AVIATION, INC., a Nebraska corporation; SKYWERX AVIATION, INC., a Nebraska corporation; and TIMOTHY HAUDER, an individual;

Plaintiffs,

vs.

SMALL BUSINESS ADMINISTRATION, SBA OFFICE OF HEARINGS AND APPEALS, and ISABELLA GUZMAN, Administrator, U.S. Small Business Administration;

Defendants.

8:23CV51

ORDER TO SHOW CAUSE

[Federal Rule of Civil Procedure 4\(m\)](#) provides, “If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” [Fed. R. Civ. P. 4\(m\)](#).

Plaintiffs filed the Complaint on February 8, 2023. ([Filing No. 1](#)). More than 90 days has elapsed since the Complaint was filed. To date, Plaintiffs have not filed any return of service or signed waiver indicating service on the defendants, the defendants have not entered a voluntary appearance, and Plaintiffs have not requested an extension of time to complete service. Accordingly,

IT IS ORDERED that Plaintiffs shall have until **June 5, 2023**, to show cause why this case should not be dismissed pursuant to [Federal Rule of Civil Procedure 4\(m\)](#) or take other appropriate action. The failure to timely comply with this order may result in dismissal of this action without further notice.

Dated this 18th day of May, 2023.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge